

1-1 By: Perry S.B. No. 394
1-2 (In the Senate - Filed January 28, 2015; February 2, 2015,
1-3 read first time and referred to Committee on Agriculture, Water,
1-4 and Rural Affairs; March 30, 2015, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 6,
1-6 Nays 0; March 30, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 394 By: Perry

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the use of supplemental environmental projects by a
1-20 local government to come into compliance with environmental laws or
1-21 remediate environmental harm caused by the local government.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Sections 7.067(a-1) and (a-2), Water Code, are
1-24 amended to read as follows:

1-25 (a-1) For a respondent that is a local government, the [The]
1-26 commission:

1-27 (1) may approve a supplemental environmental project
1-28 that is necessary to bring the [a] respondent into compliance with
1-29 environmental laws or that is necessary to remediate environmental
1-30 harm caused by the local government's [respondent's] alleged
1-31 violation; and

1-32 (2) shall approve a supplemental environmental
1-33 project described by Subdivision (1) if the local government:

1-34 (A) has not previously committed a violation at
1-35 the same site with the same underlying cause in the preceding five
1-36 years, as documented in a commission order; and

1-37 (B) did not agree, before the date that the
1-38 commission initiated the enforcement action, to perform the project
1-39 [if the respondent is a local government].

1-40 (a-2) The commission shall develop a policy to prevent
1-41 regulated entities from systematically avoiding compliance through
1-42 the use of supplemental environmental projects under Subsection
1-43 (a-1)(1) [Subsection (a-1)], including a requirement for an
1-44 assessment of:

1-45 (1) the respondent's financial ability to pay
1-46 administrative penalties;

1-47 (2) the ability of the respondent to remediate the
1-48 harm or come into compliance; and

1-49 (3) the need for corrective action.

1-50 SECTION 2. This Act takes effect immediately if it receives
1-51 a vote of two-thirds of all the members elected to each house, as
1-52 provided by Section 39, Article III, Texas Constitution. If this
1-53 Act does not receive the vote necessary for immediate effect, this
1-54 Act takes effect September 1, 2015.

1-55 * * * * *